

CHAPTER VI.

March 2, 1863.

An Act to aid and facilitate the completion of the Saint Paul and Pacific Railroad and Branches.

SECTION 1. Time extended—may extend road to LaCrescent—when road to be completed to St. Cloud—change of route through St. Anthony—to transport wood—annual payment of per centum on gross earnings in lieu of taxation—gross earnings, how ascertained—lien of State—when road to be completed to Stillwater—when portions of Winona branch to be completed.

2. Additional grants of land—where and when title to vest.
3. May issue bonds and create lien on whole of lines.
4. Directors may be foreigners—may change name to Winona, St. Paul and Pacific Railroad Company.

Be it enacted by the Legislature of the State of Minnesota :

SEC. 1. That the time for the grading and completion of the respective portions of the line of Railroad of the Saint Paul and Pacific Railroad Company as now fixed by law, be extended for the period of two years, and that all the rights, privileges, franchises and lands, conferred by act of the Legislature of the State of Minnesota, approved March tenth, eighteen hundred and sixty-two, be restored, released and granted to the said company, free and clear of all claim, or lien of the said State thereto, and the said company shall have the right and power to extend and construct said road from Winona to LaCrescent; *Provided*, And this act is upon the express condition that the said company shall complete and equip that portion of the road from Elk River to St. Cloud with the cars running thereon, on or before the first day of September, in the year eighteen hundred and sixty-six, and from thence, in a northerly direction, to St. Vincent, on the international boundary line, within the time limited by law; also that said company shall build that portion of said road heretofore known as the St. Paul and Winona Branch by the way of and through the following cities and villages, to-wit: Hastings, Red Wing, Lake City, Wabashaw and Minneiska. And, *Provided*, That said company shall on

Time extended.

May extend road to LaCrescent.

When road to be completed to St. Cloud.

or before the first day of July, eighteen hundred and sixty-six, remove their track from the present line through First street in St. Anthony to a line not nearer the Mississippi River than Sixth street, except that they may depart from the above requirement so far as may be necessary in the extension and construction of their road across the Mississippi River; *And Provided further*, That the said company shall be and are hereby required to transport wood on their road and branches at a rate not exceeding the rate charged for other similar freights. *And it is further Provided*, That in consideration of an annual payment of a per centum (as provided in this section) by said corporation as aforesaid, the railroad, its appurtenances and appendages, and all other property, estate and effects of said corporation, which by the provisions of this act contained, said corporation is to acquire, purchase, hold, possess, enjoy or use, for, in or about the construction, equipment, renewal, repair, maintaining, or operating its railroad, as also the stock and capital of said company, shall be and hereby are forever exempt from all taxation and from all assessments; and in consideration of the grants made to, and the privileges and franchises conferred upon the company hereby created, and of the exemption contained in this section, the said company shall during the first three years after thirty miles of said railroad shall be completed and in operation, on or before the first day of March of each and every year, pay into the Treasury of the State, one per cent. on the gross earnings of said railroad, the first payment to be made on the first day of March next, after the said railroad shall be completed and in operation, and shall during the seven years next ensuing, after the expiration of the three years aforesaid, pay into the Treasury of this State, on or before the first day of March of each and every year, two per cent. on the gross earnings of said railroad; and shall from and after the expiration of ten years from the completion of thirty miles of said railroad, on or before the first day of March of each and every year, pay into the Treasury of this State three per cent. of the gross earnings of said railroad; and the payment of such per centum annually as afore-

Change of route through St. Anthony.

To transport wood.

Annual payment of per centum on gross earnings in lieu of taxation.

said, shall be, and is in full of all taxation and assessment whatever.

Gross earnings—
how ascertained.

And for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the Treasurer of this State, on or before the first day of February in each year, the truth of which abstract shall be verified by affidavits of the Treasurer and Secretary of said company; and for the purpose of ascertaining the truth of such affidavits, and the correctness of such abstract, full power is hereby vested in the Governor of this State, or any other person appointed by law prescribed, to examine under oath, the officers and employees of said company, or other persons; and if any person so examined by the Governor or other authorized persons, shall knowingly or wilfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury. And for securing to the State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said company, and upon all the property, estate and effects of said company whatever, real, personal or mixed, and the lien hereby secured to the State, shall take and have precedence of all demands, decrees and judgments against said company; *Provided, further*, that the lands of said company shall be subject to taxation as soon as sold, leased or contracted to be sold or leased.

Lien of State.

When road to be
completed to Still-
water.

And provided further, That that portion of the road extending from Saint Paul to Stillwater, shall be completed with the cars running thereon, on or before the expiration of two years from the passage of this act.

When portions of
Winona branch to
be completed.

Provided, That said railroad company shall grade, ready for the ties, within one year from the passage of this act, at least ten continuous miles of said branch road, from Saint Paul to Winona.

Provided further, That the said company shall, within two years from the passage of this act, construct and put in complete running order, twenty consecutive miles of their branch road, between Winona and Saint Paul.

Sec. 2. Any and all additional grants of land made

prior to the passage of this act, or which may hereafter be made by the Congress of the United States, to the State of Minnesota for the purpose of aiding in the construction of the lines of railroad or any portion of them authorized to be constructed by the Saint Paul and Pacific Railroad Company, shall inure to the benefit of said company, and said lands and the present and future interest of the State in or to them, are hereby granted and assigned unto the said company upon the same terms and conditions as the lands heretofore granted for the same purpose, together with the conditions contained in said act of Congress donating the same. Additional grants of land. And the title of all lands heretofore, or hereafter granted by the Congress of the United States, to the State of Minnesota for the purposes aforesaid, shall vest in said company at the time, and upon the terms proscribed by said act or acts of Congress making the grant, and it shall be the duty of the Governor, on behalf of the State, to convey to said company the lands so granted according to the terms and provisions contained in the act or acts aforesaid. Where and when title to vest.

SEC. 3. Nothing contained in any act or law, shall be so construed or held as to prohibit in the future the Saint Paul and Pacific Railroad Company from creating and issuing any bonds, mortgages, deeds of trust, or other securities or liens upon the whole of their lines of railroads and branches, and the lands appertaining thereto, or so much thereof as they may deem meet and expedient as one consolidated line. May issue bonds and create liex on whole of lines.

SEC. 4. Any or all the Directors of the Saint Paul and Pacific Railroad Company, may be citizens or subjects of any foreign country. Directors may be foreigners.

And the Directors of said Company may change the name of said Company to that of (the) Winona, Saint Paul and Pacific Railroad or Railway Company, if they shall deem it fit and proper so to do. May change name to Winona, St. Paul and P. R. Co.

This act shall take effect from and after its passage, and this and all acts relating to the Saint Paul and Pacific Railroad Company and to the lines authorized to be constructed by them are hereby declared to be public acts.

Approved March 2, 1865.